

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

THOMAS WADE, )  
Plaintiff, ) No. 4:15-CV-01354-JAR  
v. )  
DENNIS BARTON III and )  
THE BARTON LAW GROUP, LLC, )  
Defendants. )

**MEMORANDUM AND ORDER**

This matter is before the Court on Defendant Dennis J. Barton III's Motion to Disqualify James W. Eason as counsel for Plaintiff (Doc. No. 32). The motion is fully briefed and a hearing was held on December 28, 2016. Plaintiff appeared in person and with counsel James Eason; Defendant appeared by counsel Terrance Good.

The behavior that Mr. Eason has exhibited in this and other similar cases involving Defendant Barton is unacceptable and concerning; however, the disqualification of a party's counsel of choice is an extreme measure and should be imposed only where "absolutely necessary." Machecka Transp. Co. v. Philadelphia Indem. Ins. Co., 463 F.3d 827, 833 (8th Cir. 2006). After careful consideration of the relevant circumstances in this case, the Court finds that disqualification of Mr. Eason would be inappropriate. The Court will instead impose certain protective measures to ensure this case progresses in an orderly and professional manner. Any violation of these protective measures will result in the offending party being held in contempt of court.

Accordingly,

**IT IS HEREBY ORDERED** that Defendant's Motion to Disqualify [32] is **DENIED**.

**IT IS FURTHER ORDERED** that:

- All communication between the parties shall be in writing; any communication from Mr. Eason to Defendant Barton shall be directed to Defendant's counsel;
- Depositions shall be conducted in a designated space in the United States District Court, 111 South 10th Street, 5th Floor, St. Louis, Missouri, by making arrangements with the Office of the Clerk of Court or by telephone at the discretion of Defendant's counsel. The Court will permit Defendant Barton to participate by telephone in any third party depositions; and
- In the event the parties engage in mediation, said mediation shall be conducted in a designated space in this Court (see above) and in separate rooms.

**IT IS FURTHER ORDERED** that the stay of consideration of Plaintiff's summary judgment motion is **LIFTED**. Defendants shall respond to Plaintiff's motion within thirty (30) days of the date of this Order; Plaintiff shall have ten (10) days thereafter to file any reply.

Dated this 14 day of January, 2017.



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JOHN A. ROSS  
UNITED STATES DISTRICT JUDGE